

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TIMOTHY D. PETTY	)	
	)	
Plaintiff,	)	
	)	Case No. 07 C 7013
v.	)	
	)	
CITY OF CHICAGO, et al.,	)	Honorable Wayne R. Anderson
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR LEAVE TO FILE  
A THIRD AMENDED COMPLAINT AT LAW**

NOW COMES the Plaintiff, TIMOTHY D. PETTY, by and through his attorney, MICHAEL W. CONDON of HERVAS, CONDON & BERSANI, P.C., who moves for leave to file his Third Amended Complaint at Law (a copy of the proposed Complaint is attached to this motion as Exhibit A). In support thereof, Plaintiff states as follows:

1. On November 6, 2007, Plaintiff filed a Second Amended Complaint in the Circuit Court of Cook County of the State of Illinois (Case Number 06 L 12512). The Second Amended Complaint included several constitutional claims against the Defendants.
2. On December 13, 2007, Defendants filed a notice to remove the case from state court to federal court.
3. With the case now removed to federal court, Plaintiff now seeks to file a Third Amended Complaint. The Third Amended Complaint is substantially shorter than the Second Amended Complaint and substantially streamlines Plaintiff's claims against Defendants.
4. One of the attorneys for the Plaintiff, Jason W. Rose, has spoken with one of the attorneys for the individual defendants, Katherine Doi, and defense counsel has no objection to Plaintiff being given leave to file his Third Amended Complaint.

WHEREFORE, Plaintiff, TIMOTHY D. PETTY, respectfully request that he be given leave to file his Third Amended Complaint against Defendants.

Respectfully submitted.

**s/Michael W. Condon**

Michael W. Condon, Attorney Bar No. 06192071

Jason W. Rose, Attorney Bar No. 06208130

Attorneys for the Plaintiff

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2008, I filed the foregoing *Plaintiff's Motion for Leave to File a Third Amended Complaint at Law* with the Clerk of the U.S. District Court, Eastern Division, using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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**s/Michael W. Condon**

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